

Kreisler 1092-KGB
001394us/JH/be

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : GERD HOBOM ET AL.

SERIAL NO. : 09/909,238

FILED : July 19, 2001

FOR : RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC vRNAs CODING FOR TWO GENES IN TANDEM ARRANGEMENT

ART UNIT : 1614

EXAMINER : TO BE ASSIGNED

February 4, 2002

Hon. Commissioner of Patents
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS
& COMMUNICATION REGARDING
THE SEQUENCE LISTING**

SIR:

In further response to the Notice to File Missing Parts of Nonprovisional Application dated October 3, 2001, a copy of which is attached, please amend the above-identified application as follows:

IN THE SEQUENCE LISTING:

Replace the initial paper Sequence Listing by the attached substitute paper Sequence Listing.

REMARKS

The above-identified notice required that Applicants submit:

- 1) A substitute paper copy of the Sequence Listing;
- 2) A substitute computer readable form (CRF) copy of the paper Sequence Listing; and
- 3) A statement that the content of the paper Sequence Listing and the computer readable copies are the same and include no new matter.

In response, there is attached a substitute paper copy of the Sequence Listing, which, pursuant to 37 CFR § 1.823 (a) (1), is numbered independently of the numbering of the remainder of the application. The undersigned hereby certifies that the substitute paper copy of the Sequence Listing does not introduce new matter.

There is also attached a substitute computer readable form copy of the substitute paper Sequence Listing. The undersigned hereby certifies that the content of the substitute paper Sequence Listing and the substitute computer readable form copy is the same and includes no new matter.

Please type a plus sign (+) inside this box

Approved for use through 9/30/00. OMB 0651-0031

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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

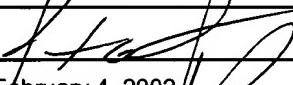
Application Number	09/909,238
Filing Date	July 19, 2001
First Named Inventor	Gerd HOBOM et al
Group Art Unit	1614
Examiner Name	To Be Assigned
Total Number of Pages in This Submission	Attorney Docket Number
	Kreisler 1092-KGB

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <ul style="list-style-type: none"> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) 	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input checked="" type="checkbox"/> Drawing(s) 8 Sheets <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition Routing Slip(PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> To convert a Provisional Application	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Additional Enclosure(s) <ul style="list-style-type: none"> - (please identify below): - Diskette containing Sequence Listing
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Request for Refund	

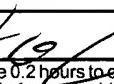
Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kurt G. Briscoe, Esq. NORRIS McLAUGHLIN & MARCUS, P.A.	
Signature		
Date	Reg. No. 33,141 February 4, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Hon. Commissioner of Patents, Washington, D.C. 20231 on this date: February 4, 2002

Typed or printed name	Kurt G. Briscoe	
Signature		Date February 4, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Hon. Commissioner of Patents, Washington, DC 20231.

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JAN 5 2002
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PATENT & TRADEMARK OFFICE

FEES TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27																				
TOTAL AMOUNT OF PAYMENT	\$400.00																			
Complete If Known																				
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METHOD OF PAYMENT (check all that apply)				FEES CALCULATION (continued)																																																																																																																																																																																								
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2. EXTRA CLAIM FEES FOR UTILITY AND DESIGN PATENTS <table border="1"> <thead> <tr> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims <input type="checkbox"/> -20** = 0</td> <td>X 18.00</td> <td>= 0.00</td> </tr> <tr> <td>Independent Claims <input type="checkbox"/> -3** = 0</td> <td>X 80.00</td> <td>= 0.00</td> </tr> <tr> <td>Multiple Dependent <input type="checkbox"/></td> <td></td> <td>= </td> </tr> <tr> <td colspan="4"> Large Entity Small Entity Fee Description <table border="1"> <thead> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr> <td>103 18</td> <td>203 9</td> <td>Claims in excess of 20</td> </tr> <tr> <td>102 84</td> <td>202 42</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>104 280</td> <td>204 140</td> <td>Multiple dependent claim, if not paid</td> </tr> <tr> <td>109 84</td> <td>209 42</td> <td>** Reissue independent claims over original patent</td> </tr> <tr> <td>110 18</td> <td>210 9</td> <td>** Reissue claims in excess of 20 and over original patent</td> </tr> <tr> <td colspan="2">SUBTOTAL (2)</td> <td>\$0.00</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="4"> **or number previously paid, if greater; For Reissues, see above *Reduced by Basic Filing Fee Paid SUBTOTAL (3) \$400.00 </td> </tr> </tbody> </table>				Extra Claims	Fee from below	Fee Paid	Total Claims <input type="checkbox"/> -20** = 0	X 18.00	= 0.00	Independent Claims <input type="checkbox"/> -3** = 0	X 80.00	= 0.00	Multiple Dependent <input type="checkbox"/>		= 	Large Entity Small Entity Fee Description <table border="1"> <thead> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr> <td>103 18</td> <td>203 9</td> <td>Claims in excess of 20</td> </tr> <tr> <td>102 84</td> <td>202 42</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>104 280</td> <td>204 140</td> <td>Multiple dependent claim, if not paid</td> </tr> <tr> <td>109 84</td> <td>209 42</td> <td>** Reissue independent claims over original patent</td> </tr> <tr> <td>110 18</td> <td>210 9</td> <td>** Reissue claims in excess of 20 and over original patent</td> </tr> <tr> <td colspan="2">SUBTOTAL (2)</td> <td>\$0.00</td> </tr> </tbody> </table>				Fee Code (\$)	Fee Code (\$)	Fee Description	103 18	203 9	Claims in excess of 20	102 84	202 42	Independent claims in excess of 3	104 280	204 140	Multiple dependent claim, if not paid	109 84	209 42	** Reissue independent claims over original patent	110 18	210 9	** Reissue claims in excess of 20 and over original patent	SUBTOTAL (2)		\$0.00	**or number previously paid, if greater; For Reissues, see above *Reduced by Basic Filing Fee Paid SUBTOTAL (3) \$400.00																																																																																																																																																			
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SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Kurt G. Briscoe	Registration No. (Attorney/Agent)	33,141	Telephone	(212) 808-0700
Signature	<i>[Signature]</i>			Date	February 4, 2002

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FEB 15 2002

TRANSMITTAL OF FORMAL DRAWINGS

Docket No.
Kreisler 1092-KGB

In Re Application Of: GERD HOBOM et al

Serial No.

Filing Date

Batch No.

Examiner

Art Unit

09/909,238

July 19, 2001

To Be Assigned

To Be Assigned

1614

Invention: RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC vRNAs CODING FOR TWO GENES
INTANDEM ARRANGEMENT

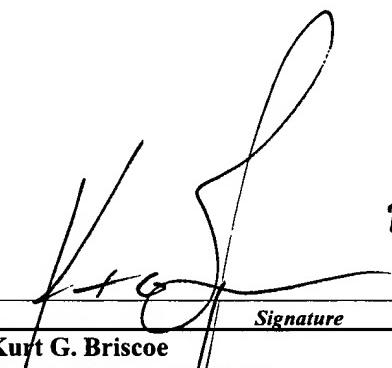
Address to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Transmitted herewith are:

8 sheets of formal drawing(s) for this application.

- Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c).



Reg No.
33,141

Signature

Kurt G. Briscoe
Norris McLaughlin & Marcus
220 East 42nd Street
30th Floor
New York, NY 10017
Tel.: (212) 808-0700
Fax: (212) 808-0844

Dated: 02-04-02

I certify that this document and attached formal drawings are being deposited on February 4, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Kurt G. Briscoe

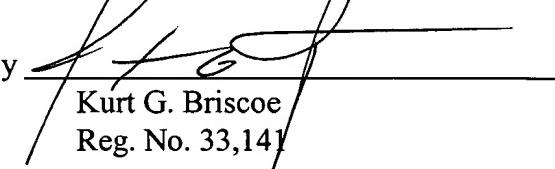
Typed or Printed Name of Person Mailing Correspondence

GERD HOBOM ET AL.
USSN 09/909,238

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS MC LAUGHLIN & MARCUS, P.A.

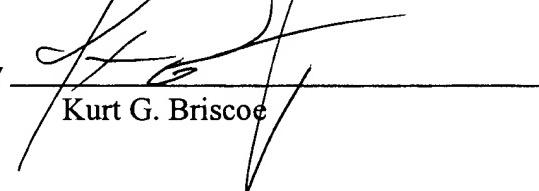
By 
Kurt G. Briscoe
Reg. No. 33,141

220 East 42nd Street - 30th Floor
New York, New York 10017
Phone: (212) 808-0700
Fax: (212) 808-0700

CERTIFICATE OF MAILING

I hereby certify that the foregoing Response to Notice to File Missing Parts and accompanying Copy of the Notice, Substitute Paper Sequence Listing (15 pages) and Computer Diskette are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: February 4, 2002

By 
Kurt G. Briscoe



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/909,238	07/19/2001	Gerd Hobom	Kreisler 1092-KGB

APRIL 15 2002
FEB 15 2002

27361
PATENT & TRADEMARK OFFICE
KURT BRISCOE
NORRIS, MC LAUGHLIN & MARCUS, P.A.
220 EAST 42ND STREET, 20TH FLOOR
NEW YORK, NY 10017

CONFIRMATION NO. 8656
FORMALITIES LETTER



OC00000006834890

Date Mailed: 10/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

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*A copy of this notice **MUST** be returned with the reply.*

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